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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,886	01/23/2004	Kathleen M. Frigon	MFCP110228	6020
45809 7590 09/09/2008 SHOOK, HARDY & BACON L.L.P. (c/o MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613				
EXAMINER				
WIENER, ERIC A				
ART UNIT		PAPER NUMBER		
2179				
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09/09/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/763,886

**Applicant(s)**

FRIGON ET AL.

**Examiner**

Eric Wiener

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to the following communications: Amendment filed on 7/14/2008.

**This action is made final.**

2. Claims 1 – 35 are pending. Claims 1, 15, and 28 are the independent claims. Claims 1, 11, 15, 28, and 31 are the amended claims. Claims 1 – 35 have been rejected by the Examiner.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (US 6,914,625 B1).

**As per independent claim 1**, Anderson discloses *a computer-implemented method for presenting a set of items to a user, the method comprising:*

- *dividing said set of items into one or more groups according to a selected characteristic (column 8, lines 33 – 37);*

- *automatically generating one or more group titles for at least a portion of said one or more groups, wherein said one or more group titles indicate at least one keyword associated with the items in one of said one or more groups* (column 4, lines 45 – 58; column 6, lines 37 – 56; and column 8, lines 9 – 57);
- *presenting at least a portion of said set of items in accordance with said groups to the user on a display* (column 9, lines 16 – 26); *and*
- *presenting a listing of said one or more group titles on said display* (column 9, lines 16 – 26); *and*
- *indicating on said display which groups contain one or more items currently visible to the user* (column 9, lines 16 – 26).

**As per claim 2**, and taking into account the rejection of claim 1, Anderson further discloses that *one or more of the presented items are digital images* (column 1, lines 17 – 21).

**As per claim 3** and taking into account the rejection of claim 2, Anderson further discloses that *at least one of the digital images is a digital photograph* (column 1, lines 17 – 21).

**As per claim 4**, and taking into account the rejection of claim 1, Anderson further discloses that *said selected characteristic is a creation time or other associated date and/or time within a desired interval of time* (column 5, lines 1 – 18 and column 8, line 58 – column 9, line 3).

**As per claim 5**, and taking into account the rejection of claim 1, Anderson further discloses that *said selected characteristic is storage in a desired folder* (column 5, lines 1 – 18 and column 8, lines 38 – 41).

**As per claim 6**, and taking into account the rejection of claim 1, Anderson further discloses that *said selected characteristic is associated with one or more desired keywords* (column 5, lines 1 – 18 and column 6, lines 37 – 56).

**As per claim 7**, and taking into account the rejection of claim 1, Anderson further discloses that *the listing of said groups includes information associated with the contents of the groups* (column 5, lines 35 – 46).

**As per claim 8**, and taking into account the rejection of claim 7, Anderson further discloses that *said information includes date and/or time information* (column 8, line 58 – column 9, line 3).

**As per claim 9**, and taking into account the rejection of claim 7, Anderson further discloses that *said information includes storage location information* (column 8, lines 38 – 41).

**As per claim 10**, and taking into account the rejection of claim 7, Anderson further discloses that *said information includes associated keyword information* (column 6, lines 37 – 56).

**As per claim 11**, and taking into account the rejection of claims 1, Anderson further discloses that *the listings of said groups includes information associated with said selected characteristic* (column 8, lines 33 – 37).

**As per claim 12**, and taking into account the rejection of claim 1, Anderson further discloses that *indicating which of said groups contain one or more items currently visible to the user includes presenting a visual indicator element with the listing of said groups* (column 9, lines 16 – 26).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. *This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).*

7. Claims 13 – 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 6,914,625 B1) in view of Li et al. (US 5,802,383).

**As per independent claim 15,** Anderson discloses *one or more computer-readable storage media storing a graphical user interface, said graphical user interface comprising:*

- *an item presentation area which displays at least a portion of a set of items to a user (column 9, lines 16 – 26), wherein said set of items is presented in one or more groups according to a selected characteristic (column 8, lines 33 – 37); and*

- *a table of contents area which displays a listing of said groups and which further displays an indicator showing which of said groups contain one or more items currently visible in said item presentation area (column 9, lines 16 – 26).*

Anderson does not explicitly disclose that said table of contents area further displays volume information for each of the groups in said listing, wherein said volume information is presented within the listing.

Nevertheless, in an analogous art, Li discloses *displaying volume information for each group in a listing, wherein said volume information is presented within the listing* (column 2, lines 24 – 31).

Both Anderson and Li pertain to the analogous art of grouping data in computer systems and indicating information pertaining to the groupings, and thus one would look to the other for possibly improving difficulties pertaining to their invention. Li describes one such difficulty, in that there is a need to provide concise status information related to a group of data (Li, column 1, lines 51 – 52). Li also describes that, pertaining to such status information as size of a group, it would be useful to provide a user with a more immediate means for inferring information pertaining to the size or volume of a group, because such information may directly relate to the operations related to the group (Li, column 1, lines 44 – 48), wherein an icon pertaining to a group may serve as a sufficient means for inferring such information pertaining to size or volume (Li, column 2, lines 24 – 31). In addition, Anderson discloses that it is well known to associate icons with groupings pertaining to categories (Anderson, column 1, lines 41 – 49). Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Li into the invention of Anderson, because the use of various volume-indicating

icons would serve to indicate relevant volume information in a more immediate manner so that the user may more easily infer and use said relevant volume information in relation to the particular operations related to the groupings that are affected by the groupings' volume or size.

**As per independent claim 28**, Anderson discloses *a computer system for presenting a plurality of items to a user, the system comprising:*

- *a group title generation component configured to automatically generate one or more group titles for at least a portion of one or more groups of items, wherein said one or more group titles indicate at least one keyword associated with the items in one of said one or more groups* (column 4, lines 45 – 58; column 6, lines 37 – 56; and column 8, lines 9 – 57);
- *an item presentation display which presents at least a portion of a set of items to a user* (column 9, lines 16 – 26), *wherein said set of items is presented in said one or more groups according to a selected characteristic* (column 9, lines 16 – 26); *and*
- *a table of contents which provides a listing of said one or more group titles and which indicates which of said one or more groups contain one or more items currently visible in said item presentation display* (column 9, lines 16 – 26).

Anderson does not explicitly disclose that said table of contents further displays volume information within said listing for each of the one or more groups.

Nevertheless, in an analogous art, Li discloses *displaying volume information within a listing for each of one or more groups* (column 2, lines 24 – 31).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Li into the invention of Anderson, for the same reasons as



disclosed in the rejection of claim 15, *supra*.

**As per claim 13**, Anderson sufficiently discloses the limitations of claim 1.

Anderson does not explicitly disclose indicating volume information related to the number of items in at least one of said groups.

Nevertheless, in an analogous art, Li discloses *indicating volume information related to a number of items in at least one group* (column 2, lines 24 – 31).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Li into the invention of Anderson, for the same reasons as disclosed in the rejection of claim 15, *supra*.

**As per claims 16 and 29**, and taking into account the rejection of claims 15 and 28, respectively, Anderson further discloses that *one or more of the presented items are digital images* (column 1, lines 17 – 21).

**As per claim 17** and taking into account the rejection of claims 15, Anderson further discloses that *said selected characteristic is a creation time or other associated date and/or time within a desired interval of time* (column 5, lines 1 – 18 and column 8, line 58 – column 9, line 3).

**As per claim 18**, and taking into account the rejection of claim 15, Anderson further discloses that *said selected characteristic is storage in a desired folder* (column 5, lines 1 – 18 and column 8, lines 38 – 41).

**As per claims 20 and 30**, and taking into account the rejection of claims 15 and 28, respectively, Anderson further discloses that *the listing of said groups includes information associated with the contents of the groups* (column 5, lines 35 – 46).

**As per claims 21 and 31** and taking into account the rejection of claims 15 and 28, respectively, Anderson further discloses that *the listings of said groups includes information associated with said selected characteristic* (column 8, lines 33 – 37).

**As per claims 22 and 32** and taking into account the rejection of claims 15 and 28, respectively, Anderson further discloses that *indicating which of said groups contain one or more items currently visible to the user includes presenting a visual indicator element with the listing of said groups* (column 9, lines 16 – 26).

**As per claims 24 and 34**, and taking into account the rejection of claims 15 and 28, respectively, Li further discloses *displaying volume information related to the number of items in each of said groups* (column 2, lines 24 – 31), wherein it further would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Li into the invention of Anderson, for the same reasons as disclosed in the rejection of claim 15, *supra*.

**As per claims 14, 25, and 35** and taking into account the rejection of claims 13, 24, and 34, respectively, Li further discloses that *indicating volume information includes presenting one or more volume meters with the listing of said groups* (column 2, lines 24 – 31), wherein, based on the plain meaning of “meter,” it has been interpreted that the means for indicating volume of Li reads on this feature, because said means sufficiently serves as a means for indicating measurement of volume. In addition, it further would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Li into the invention of Anderson, for the same reasons as disclosed in the rejection of claim 15, *supra*.

**As per claims 23 and 33** and taking into account the rejection of claims 22 and 32, respectively, Anderson further discloses that *said indicator displays the extent to which the*

*groups having currently visible items are presented in the items presentation area (column 9, lines 16 – 26).*

**As per claim 26** and taking into account the rejection of claim 15, Anderson further discloses that *said table of contents area is configured to receive a user input selecting a listing associated with a selected group* (column 9, lines 16 – 26).

**As per claim 27** and taking into account the rejection of claim 26, Anderson further discloses that *said user input causes at least a portion of the content of said selected group to be displayed in the item presentation area* (column 9, lines 16 – 26).

### ***Response to Arguments***

8. Applicant's arguments filed on 7/14/2008 have been fully considered, but are moot in view of new grounds of rejection necessitated by amendment.

### ***Conclusion***

9. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. *In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

**10. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.**

***Newly cited art of particular note includes, but is not limited to:***

- ***Parulski et al. (US 6,629,104 B1)***
- ***Wolff et al. (US 6,833,848 B1)***
- ***Anderson (US 6,538,698 B1)***
- ***Rubinstein (US 5,721,897)***

11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric A Wiener/  
Examiner, Art Unit 2179

/Ba Huynh/  
Primary Examiner, Art Unit 2179